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War Critics Win Test In Senate

By Spencer Rich

Washington Post Staff Writer

In its first test of sentiment on the Cambodia war issue, the Senate yesterday decisively rejected a move to nullify the Cooper-Church amendment, an antiwar measure that denies funds for U.S. military operations in Cambodia after July 1.

By a vote of 54 to 36, the Senate defeated language proposed by Sen. Bob Dole (R-Kan.) allowing the President to ignore all the prohibitions in the Cooper-Church amendment whenever he found that U.S. citizens or nationals were being held as prisoners in Cambodia by North Vietnamese or National Liberation Front forces.

Although yesterday's vote was not the final one on the administration-opposed Cooper-Church amendment (that vote may be several weeks away), it was notable both as the first clear-cut test of Senate feeling and as the first victory for the dove bloc in either chamber of Congress since the Vietnamese war began.

Sponsors of the Cooper-Church amendment face a more formidable test next week, when the Senate is expected to vote on an amendment offered by Sen. Robert C. Byrd (D-W. Va.), of which Senate Armed Services Committee Chairman John Stennis (D-Miss.) and Senate Minority Whip Robert P. Griffin (R-Mich.) became co-sponsors yesterday.

DEBATE, A14, Col. 1

Byrd said he hoped to delay a vote on his amendment until the return from Cambodia and Vietnam of a White House-sponsored fact-finding delegation of four Senators, four congressmen and three governors who left yesterday from Andrews Air Force Base just after the vote on the Dole proposal.

"No Whitewash Brush"

Sen. Thomas J. McIntyre (D-N.H.), who announced yesterday that he had agreed to become the fourth senator in the fact-finding group, is the only congressional member of the tour who is not considered a strong backer of the President's Cambodia policies.

Backers of the Cooper-Church amendment have labeled the tour simply an administration tactic to help defeat them. But McIntyre said, "I'm packing no whitewash brush."

The New Hampshire Democrat said, "After first declining, I have now decided to accept the invitation. I want to make it very clear that I leave on this mission convinced that we must get out of Southeast Asia as quickly as possible." He said he intended to ask the tough questions, such as whether the U.S. Cambodia action makes withdrawal of U.S. troops from Vietnam easier, what kind of aid the U.S. expects to give South Vietnamese troops remaining in Cambodia, and when South Vietnam will withdraw troops from Cambodia.

The Cambodia-Vietnam fact-finding group is scheduled to return next Tuesday, and Senate Majority Leader Mike Mansfield (D-Mont.) acknowledged that it would be difficult to get to a vote on the key Byrd amendment before then.

Debate on the Cooper-Church amendment, which is part of the foreign military sales bill, has been going on since May 13, with administration forces speaking at length in hopes of reversing the ap-

parent Senate majority for the Cooper-Church language or forcing its sponsors to compromise.

Crucial Test Vote

By all evidence, the Byrd amendment will provide the crucial test vote on the Cambodia issue. The Byrd language provides that, regardless of prohibitions in the Cooper-Church amendment, the President without seeking congressional assent may keep U.S. troops in Cambodia after July 1, or send them back in later, if he believes it is necessary to protect U.S. forces in South Vietnam.

This change in the Cooper-Church amendment would meet administration objec-

result of last night's presidential broadcast and the Cambodia-Vietnam fact-finding mission. Their chance of passing the Byrd revision would be enhanced still further by open administration backing for the Byrd measure.

Sen. Warren G. Magnuson (D-Wash.) complained yesterday that a \$4.5 billion school funds bill was being held up by the talkathon against the Cooper-Church amendment, and negotiations began on an agreement to take up the school bill before finishing Cooper-Church. But Mansfield said he would agree only if the whole school bill could be disposed of in three to four hours. This appeared almost impossible.

tions that the amendment as now written ties the President's hands to take actions he deems are needed as Commander in Chief. However, John Sherman Cooper (R-Ky.), Frank Church (D-Idaho) and their amendment's supporters say the Byrd revision is unacceptable, giving the President virtually a free hand to do anything he pleases without coming back to Congress. They fear it would let him involve the United States in a long-term Cambodia war.

The vote on the Byrd measure is expected to be much closer than yesterday's 54-to-36 tally on the Dole provision. Administration forces hope to pick up votes as a

Foes of Cambodia War Win Senate Test, 54-36

Rejection of Dole Amendment Indicates They May Have Enough Strength to Approve Cooper-Church Plan

By JOHN W. FINNEY

Special to The New York Times

WASHINGTON, June 3—In a key test of strength on the Indochina-war issues, a bipartisan coalition in the Senate demonstrated today that the coalition commands a clear majority supporting legislative restrictions on future military activities in Cambodia.

The test came on an amendment offered by Senator Robert Dole, Republican of Kansas, who is a supporter of President Nixon's Asian policy. The Dole draft would have barred legislative restrictions on the President's authority from taking effect so long as Americans were held prisoner in Cambodia.

The Dole amendment was defeated 54 to 36, with 39 Democrats and 15 Republicans voting against it and 12 Democrats and 24 Republicans voting for it.

The Senate voted nine hours before the time scheduled for President Nixon's "interim" report on the Cambodian operation—a speech that seemed intended at least in part to influence the course of the Senate debate, which is nearing the end of its third week with no end in sight.

For the first time, the President was confronted with a situation where the Senate critics of the war seemed able to forge a majority against the White House.

The White House opposes the amendment placed before the Senate by Senator John Sherman Cooper, Republican of Kentucky, and Senator Frank Church, Democrat of Idaho. The Cooper-Church amendment would prohibit the President

from spending any funds to "retain" American forces in Cambodia after July 1 or to supply military advisers, mercenaries or combat air support to the Cambodian Government, without Congressional consent.

On the basis of today's vote, it appeared that the White House could not block the Cooper-Church amendment to a foreign military sales bill. The evolving strategy of Mr. Nixon's supporters in the Senate, therefore, was to delay a vote until after American troops were withdrawn from Cambodia later this month in the hope that this might reduce support for the Cooper-Church amendment.

The Dole amendment was widely interpreted in the Senate as an attempt to nullify the effectiveness of the Cooper-Church amendment. In voting against the amendment, therefore, a majority of Senators were showing support for the Cooper-Church amendment.

The next test of strength is to come on an amendment offered by Senator Robert C. Byrd of West Virginia, an assistant Democratic leader who is often allied with conservative Republicans and Democrats. The Byrd amendment would provide that the prohibition against "retaining" American forces in Cambodia would not "preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam or to hasten the withdrawal of United States forces from South Vietnam."

In a speech, Senator Byrd protested that the Cooper-Church amendment would "tie the hands" of the President as Commander in Chief and "guarantee to the enemy complete freedom to return to the border sanctuaries without fear of future attack from United States ground forces."

Griffin Joins Byrd

With its assertion of the President's authority as Commander in Chief—the same constitutional authority cited by Mr. Nixon for ordering the Cambodian intervention—the Byrd amendment is certain to be supported by the Administration. Senator Robert P. Griffin of Michigan, the assistant Republican leader, immediately joined as a co-sponsor of the Byrd amendment.

Repeatedly in the debate, Senators Cooper and Church have sought to emphasize that their amendment is intended not to detract from the President's power as Commander in Chief, but only to make clear that the President should not commit the nation to military action in Cambodia or in support of the Cambodian Government without first obtaining the approval of Congress.

They have been reluctant, however, to insert in their amendment a reference to the President's authority as Commander in Chief lest this be

estimated that the Byrd amendment would pick up seven or eight additional votes. But supporters of the Cooper-Church amendment believed there were four or five Senators voting for the Dole amendment who would switch and vote against the Byrd amendment, thus preserving the majority.

At least a few Senators who support the Cooper-Church amendment voted for the Dole amendment because of a political concern that they not be placed in the position of seeming to vote against the welfare of prisoners. But on the other side, some Senators who objected to the injection of the prisoner-of-war issue have reservations about taking any step that could be interpreted as infringing upon the President's power as Commander in Chief and thus may vote for the Byrd amendment.

used as a way of circumventing the restrictions.

For example, Senator Mike Mansfield, the Democratic leader, immediately protested that with the Byrd amendment, the Cooper-Church amendment would amount to "just another Gulf of Tonkin resolution but more binding." The Tonkin Resolution adapted in 1964, which the Nixon Administration does not claim as a basis of authority gave congressional endorsement to actions taken by the President to repel Communist aggression in Southeast Asia.

The vote on the Byrd amendment, which will not come until next week at the earliest, was expected to be closer than the vote on the Dole amendment. However, supporters of the Cooper-Church amendment on the basis of today's test were confident they had the votes to defeat the Byrd amendment, although perhaps narrowly.

Some Senators who voted against the Dole amendment may switch and vote for the Byrd amendment. Senator Dole

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JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Thursday - 4 June 1970

1. (Confidential - JMM) Raised with Ralph Preston, Staff Assistant, House Appropriations Committee, our problems with the Ervin bill (S. 782) and the possibility that Chairman Mahon might be willing to intercede with Representative Donald Henderson, whose Subcommittee has jurisdiction over the bill, and support our request for a complete exemption. Preston thought Mahon might agree to do this, and in any event saw no harm in raising the matter with Mahon at the proper time.

2. (Unclassified - GLC) Met with Bruce Johnstone, Administrative Assistant to Senator Walter Mondale (D., Minn.), and briefed him on the function of our personnel recruitment office in Ann Arbor, Michigan, so that he might respond to a constituent inquiry from [REDACTED] I also left with Johnstone copies of the Agency's professional and clerical brochures and the CIA pamphlet for his information and use.

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3. (Unclassified - JGO) In response to his request, delivered to Mr. J. G. Sourwine, Chief Counsel, Senate Subcommittee on Internal Security, copies of two unclassified maps of the interface between the Soviet Union and Mongolia for Committee use in hearings to be published this weekend. Mr. Sourwine was most appreciative.

4. (Secret - JGO) Met with Mr. Ralph Preston, House Appropriations Committee staff, who told me that in the review of the transcript of testimony by Mr. Robert Froehlke on the intelligence community budget, normal security review was accomplished by the Department of Defense. He will check further to see if there was anything unusual or any discussion about this particular transcript and will advise me.

I briefed Mr. Preston on the Middle East situation and the Soyuz 9 mission.

5. (Secret - JGO) I met with Mr. Blandford, Chief Counsel, House Armed Services Committee, and briefed him on the Middle East and Libya, Cambodia and the Soyuz 9 mission.

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